



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WALL, MARJAMA & BILINSKI LLP
4TH FLOOR
101 S. SALINA ST.
SYRACUSE NY 13202

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Patent No. 7,014,392 :
Issue Date: March 21, 2006 :
Application No. 10/690,913 :
Filed: July 10, 2003 :
Attorney Docket No. 1179-014 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **NOT ACCEPTED**.

The fee deficiency cannot be accepted because the itemization was not provided within one (1) month of the of the mail date of the decision dated February 12, 2010. In the response dated September 28, 2010, Applicant stated the delay in filing a reply was due to the notification from the USPTO not being received. In this regard, any future response should include any evidence to prove Applicant never received the decision dated February 12, 2010.

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions